

National

Sentenced to 2 days but held for 54: How one man's jail suicide underscores Mississippi's mental health care crisis

<https://www.washingtonpost.com/nation/2019/10/16/sentenced-days-held-how-one-mans-jail-suicide-underscores-mississippis-mental-health-care-crisis/?outputType=amp>

Robert Wayne Johnson, pictured in an undated family photo with his daughter. (MacArthur Justice Center)
By Kim Bellware
October 16, 2019

In 2017, Robert Wayne Johnson had hit a rough patch. The married father of five had lost his job and was living on the streets. He was also grappling with mental illness, according to his family. The 51-year-old couldn't afford about \$2,500 in municipal court fines and fees accumulated over three years for infractions such as driving without a license that he owed in Kemper County, a rural Mississippi community roughly 125 miles east of Jackson. So a judge sentenced Johnson to a two-day stint in jail instead. Johnson never made it out alive.

He hanged himself with his shoelaces 14 minutes after he was placed in an unmonitored segregation cell, according to a wrongful-death lawsuit his widow, along with the MacArthur Justice Center, filed in federal court last



month. The suit names Kemper County, the sheriff and jail employees, and alleges that despite his two-day sentence, Johnson continued to be detained unlawfully for 52 more days until he killed himself in January 2018.

A lawyer for the family said it's unclear why the jail held Johnson for 52 more days beyond his two-day sentence and is still awaiting documents. The sheriff and other county officials did not respond to requests seeking clarification on the matter.

Johnson's death is among the hundreds each year that make suicide the leading cause of death in local jails, occurring at more than twice the rate of state prison suicides, according to a 2019 investigation by the Associated Press and Maryland Capital News Service.

It also underscores the consequences of states such as Mississippi lacking adequate mental health care, particularly for poor and rural residents, said Cliff Johnson, who directs the MacArthur Justice Center at the University of Mississippi School of Law and is representing the Johnson family in their lawsuit. (He is not related to his clients).

"This story is part of a larger conversation about how people wind up in the criminal justice system rather than in appropriate mental health treatment," Johnson said.

The 17-page complaint alleges negligence and oversights, claiming that jail staff failed to prevent the apparently suicidal Johnson from hurting himself at several turns.

The lawsuit alleges that, in the days before his death, a distraught Johnson tied torn towel strips around his neck in an apparent effort to strangle himself.

That allegedly went unnoticed by staff, despite 24-hour surveillance in Johnson's dorm.

According to the lawsuit, on Jan. 9, the day Johnson died, he tied shoelaces around his neck and "pulled it tightly with both hands in a manner suggesting hanging or strangulation"; he later cut his wrists with a razor blade until another detainee took the blade away and alerted corrections officers. Johnson's dorm mates told the jail staff of his suicide attempts, but the staff declined to intervene, the lawsuit alleges. When Johnson got into a scuffle with his dorm mates for calling the guards on him, he was placed in an isolated observation cell. The prisoners warned the guards that Johnson could use his shoelaces to hurt himself. Instead of taking them away, the staffers allegedly dumped the shoelaces and the rest of Johnson's belongings into a rolling laundry cart before forcing Johnson into the cart.

Inmate suicides like Jeffrey Epstein's are increasing — and predictable, senator says

The lawsuit claims that Johnson went unmonitored in his isolated cell for nearly 15 minutes, despite the jail's written policy that suicidal detainees be constantly watched. When a guard checked on Johnson, he was sitting unresponsive with his shoelaces wrapped around his neck and tied to the bed frame.

In a news conference three days after Johnson's death, Kemper County Sheriff James Moore **acknowledged that the jail staff knew Johnson was harming himself and that he had a history of mental illness but did not address why Johnson was detained for so long.**

Johnson, the attorney, said the lawsuit strikes at nonpartisan issues: Given the lack of ideological division around the issue of improving mental health care

access and curbing jail deaths, it has the rare distinction of uniting both civil rights attorneys like him and local sheriffs.

"It's a question about what's humane, what's good public policy, what makes us safe," Johnson said. "The fact that law enforcement agrees with us that locking these people up is not the way to handle the situation is telling."

After prison, more punishment

Johnson didn't mention Moore specifically but said Mississippi sheriffs are in agreement that their jails aren't the right answer to the state's lack of community-based mental health services.

Mississippi ranks 48th in terms of access to mental health care, according to the mental health advocacy nonprofit organization Mental Health America. In 2016, the Department of Justice sued the state for inadequate community-based mental health care, which had effectively segregated vulnerable patients in state-run facilities that were often inadequate and far from home. The state's system is now under court-appointed oversight.

Given the state's issues with mental health access, Johnson said, it's not entirely clear if Robert Johnson would have been able to get the care he needed on his own.

"Still, had a local judge recognized Mr. Johnson needed to be under the care of the mental health professionals rather than locked up in a county jail, Mr. Johnson may still be alive," Johnson said.

Across the United States, people with mental health needs increasingly end up in jail, rather than dedicated treatment centers: The three largest mental health facilities in the country are jails in New York, Los Angeles and Chicago.

Lincoln County Sheriff Steve Rushing, former president of the Mississippi Sheriffs' Association, said it's a problem local jails have fought for years. He said that compared to some of his fellow sheriffs, he's among the lucky ones.

An inmate's secretly recorded film shows the gruesome reality of life in prison

"If I have someone who comes in who is in need of mental health, [the provider] comes in and give us assistance. Not every county has that available," he said. "In the past — and you hate to say it — but a person was stuck in jail until something [at a state mental health facility] was available."

Size and location have something to do with it, Rushing said. He described Lincoln County, just 60 miles south of Jackson, as being in the midrange of Mississippi communities, with its population of more than 34,000. Kemper County, where Johnson died, has fewer than 10,000 people.

Johnson, the attorney, said the systemic failures that led to Robert Johnson's death are fixable.

"Certainly the Mississippi legislature is going to have to act and provide adequate funding for community mental health services," Johnson said. He said Medicaid expansion would further the efforts, particularly for the many Mississippians working in low-wage jobs that don't provide mental health care-inclusive insurance.

Medicaid expansion, however, is a fraught issue in the state and is among the key issues separating candidates in the state's upcoming gubernatorial election.

Expanding mental health care is only part of the solution, Johnson said.

"[Robert's family] want his death to highlight the need for people to receive the mental health care they need — before they wind up in a local jail," Johnson said.

If that can be achieved, Johnson said, it will fulfill some of what the family hopes to accomplish with the lawsuit.

"They also wanted people to see Robert as a complete person, who was a father and husband," Johnson said. "Someone who was funny and who wasn't always in the same place he found himself immediately before his death."

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

LATOYA JOHNSON, INDIVIDUALLY AND
AS PERSONAL REPRESENTATIVE OF THE DECEDENT,
ROBERT WAYNE JOHNSON, FOR AND ON BEHALF OF ALL
WRONGFUL DEATH BENEFICIARIES AND
AS ADMINISTRATRIX OF THE ESTATE OF
ROBERT WAYNE JOHNSON, DECEASED

PLAINTIFF

V.

CIVIL ACTION NO. 3:19-cv-700-CWR-LRA

KEMPER COUNTY, MISSISSIPPI;
SHERIFF JAMES MOORE, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY AS THE SHERIFF
OF THE KEMPER COUNTY, MISSISSIPPI SHERIFF'S
DEPARTMENT;
LIEUTENANT MARQUICE COLLINS,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY;
CORRECTIONAL OFFICER ERIC MCCOY, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY;
CORRECTIONAL OFFICER KEM HICKS, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY;
CORRECTIONAL OFFICER AARON HALL, INDIVIDUALLY
AND IN HIS OFFICIAL CAPACITY;
AND WARDEN JOHNNY CROCKETT,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY

DEFENDANTS

COMPLAINT
Jury Trial Demanded

COMES NOW the Plaintiff, LaToya Johnson, individually and as a personal
representative of the decedent, Robert Wayne Johnson, for and on behalf of all wrongful death

beneficiaries, and as Administratrix of the Estate of Robert Wayne Johnson, and complains as follows:

PARTIES

1. Plaintiff, LaToya Johnson, is an adult Mississippi resident residing at 3816 37th Street, Meridian, Mississippi 39305. Plaintiff is the widow of Robert Wayne Johnson and brings this action individually and as a wrongful death beneficiary of Robert Wayne Johnson, deceased, on behalf of all of the wrongful death beneficiaries of Robert Wayne Johnson, and on behalf of the Estate of Robert Wayne Johnson as Administratrix thereof.

2. Defendant Kemper County, Mississippi, is a political subdivision of the State of Mississippi and may be served with process by service upon its Chancery Clerk, Shirlene Watkins, 280 Veterans Street, De Kalb, Mississippi 39328.

3. Defendant, Sheriff James Moore, is the duly elected Sheriff of Kemper County and can be served with process at 330 Stennis Industrial Park Road, De Kalb, Mississippi 39328. At all material times, Defendant Moore was the Sheriff of Kemper County, Mississippi, vested with the responsibility and authority to hire, train, supervise, set, adopt, implement, and enforce policies and procedures at the Kemper-Neshoba Regional Correctional Facility ("KNRCF") and to provide protection to the citizens of Kemper County, Mississippi, and the state of Mississippi, including Robert Johnson. Defendant Moore is sued in his official and individual capacities. Defendant Moore, at times material hereto, was acting under color of state law in his official capacity as the Sheriff of Kemper County, Mississippi, and the actions of Defendant Moore were done and performed under the color and pretense of the ordinances, regulations, policies, customs, and usages of Kemper County, Mississippi and the State of Mississippi.